

REMARKS

Claims 1-32 were pending in the present application. Claims 1, 2, 6, 7, 22, 23, and 25 have been canceled herein. Thus claims 3-5, 8-21, 24 and 26-32 are now pending. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

The applicants note with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicants acknowledge and appreciate receiving an initialed copy of the form PTO-1449 in connection with the Information Disclosure Statement filed on July 31, 2003.

The Examiner has noted that the incorporation by reference statement, which incorporates the Japanese foreign priority applications identified in the first paragraph of page 1 of the specification, is improper and has asserted that the applicants must amend the disclosure to include the material incorporated by reference. Applicants respectfully submit that since the present English version of the priority Japanese application is believed to be complete and is believed to include all essential subject matter, that no amendments to bodily incorporate matter from the priority documents are required. The Japanese priority documents are being incorporated by reference to enable, for example, translation errors discovered during prosecution to be corrected without entering new matter during prosecution of the present application.

Applicants' position is supported by MPEP §2163.07(b), and 608.01(p) which states, inter alia:

As a safeguard *against the omission of a portion of a prior application for which priority is claimed* under 35 U.S.C. 119(a)-(d) or (f), or for which benefit is claimed under 35 U.S.C. 119(e) or 120, applicant may include a statement at the time of filing of the later application incorporating by reference the prior application [emphasis added].

The emphasized sentence recognizes the practice of incorporating foreign priority documents by reference and implies that the practice is proper. Therefore, since the present U.S. application explicitly incorporates a non-English language document by reference according to MPEP §608.01(p) and since Applicants know of no essential material being incorporated by reference, no amendment of the disclosure to bodily incorporate matter from the priority applications should be required. The applicants further respectfully submit that the incorporation by reference is proper for the above reasons.

Claims 1, 2, 6, 7, 22, 23, and 30 were rejected under 35 USC 102(b) as being anticipated by Abe et al. ("Abe".) Claims 1, 2, 6, 7, 22, and 23 are canceled herein and will not be discussed. The rejection is otherwise traversed with regard to claim 30.

Applicants note that claim 26 is indicated as allowable if amended to include the limitations of the base claim and intervening claims. Prior to amendment, claim 30 depended from claim 26. Since claim 30, as amended, is also re-written in independent form including the limitations of claim 6 and claim 26, claim 30 should be allowable. It is respectfully requested that the rejection of claim 30, as amended, be reconsidered and withdrawn.

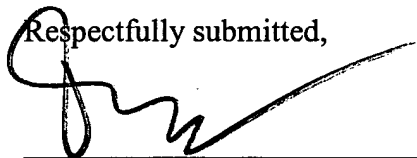
Claims 1, 2, 6, 7, 22, 23, 25, and 30 were rejected under 35 USC 102(b) as being anticipated by Ichikawa. Claims 1, 2, 6, 7, 22, 23, and 25 are canceled herein and will not be discussed. The rejection is otherwise traversed with regard to claim 30.

As noted above, claim 26 is indicated as allowable. Claim 30, as amended, is re-written to include the limitations of claim 6 and claim 26, claim 30 should be allowable. It is respectfully requested that the rejection of claim 30, as amended, be reconsidered and withdrawn.

The indication of allowability with regard to claims 3-5, 8-21, 24, 26-29, and 31 and 32 is noted with appreciation. Claims 3, 5, 8, 21, 24, 26, 30, and 31 have been re-written in independent form including the limitations of the base claims and intervening claims. As noted above, although claim 30 was not specifically noted as being allowable if re-written, claim 30 depended from claim 26 which was indicated allowable. Claim 30, by virtue of including the features of claims 6 and 26 is also allowable as amended. Claims 4, 9-20, 27-29, and claim 32 by virtue of depending from claims 3, 5, 8, 21, 24, 26, 30, and 31 are allowable.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,


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